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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 TERRELL E. JONES,

11 Plaintiff,

12 v.

13 A. MASTANDREA,

14 Defendant.

CASE NO. 3:19-cv-06241-BHS-JRC

ORDER GRANTING MOTION TO
AMEND AND DIRECTING
PLAINTIFF TO FILE SECOND
AMENDED COMPLAINT

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16 This matter is before the Court on plaintiff's motion to amend and first amended
17 complaint. *See* Dkts. 7, 8. The Court grants plaintiff's motion to amend, as set forth herein.

18 In January 2020, the Court reviewed plaintiff's complaint under 42 U.S.C. § 1983 and
19 issued an order to show cause or amend the complaint if plaintiff wished to proceed on his
20 claims against Pierce County. *See* Dkt. 6. Specifically, the Court advised plaintiff that although
21 solely for screening purposes, he had stated a colorable claim against a defendant (a jail sergeant)
22 in his personal capacity, plaintiff had not stated a claim against Pierce County or the individual
23 defendant in his official capacity. *See* Dkt. 6, at 2. The Court directed plaintiff that if he did not
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1 amend his complaint, it would proceed solely on the claims against the individual defendant in
2 his personal capacity. *See* Dkt. 6.

3 In response, plaintiff filed an amended complaint containing only claims against the
4 individual defendant. *See* Dkt. 7. Plaintiff then filed a motion to amend his complaint a second
5 time, to include “[t]he City [sic] of Pierce.” Dkt. 8.

6 Plaintiff’s complaint has not yet been served, so that he may amend it as a matter of right.
7 *See* Fed. R. Civ. P. 15. Therefore, the Court grants plaintiff’s motion to amend and orders him to
8 provide an amended complaint on or before **April 3, 2020**, on the form provided by the Court.

9 The Court cautions plaintiff that it will screen his second amended complaint as required
10 by 28 U.S.C. § 1915A. Plaintiff is further warned that a claim against a municipality is not
11 cognizable under § 1983 unless it meets the standards set forth for civil rights claims against
12 local governments explained in the Court’s previous screening order. *See* Dkt. 6, at 4–7.

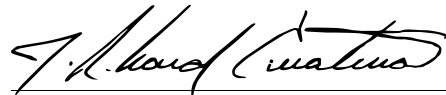
13 Plaintiff’s second amended complaint must contain a “short, plain statement telling the
14 Court: (1) each constitutional right that plaintiff believes was violated; (2) the name or names of
15 the person or persons who violated the right; (3) exactly what each individual or entity did or
16 failed to do; (4) how the action or inaction of each individual or entity is connected to the
17 violation of plaintiff’s constitutional rights; and (5) what specific injury plaintiff suffered
18 because of the individuals’ conduct. *See Rizzo v. Goode*, 423 U.S. 362, 371–72, 377 (1976).

19 The second amended complaint must be legibly written or typed in its entirety, it should be an
20 original and not a copy, it should contain the same case number, and it may not incorporate any
21 part of the first two complaints by reference. The second amended complaint will act as a
22 complete substitute for the first two complaints and not as a supplement. An amended complaint
23 supersedes all previous complaints. *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir.

1 1997), *overruled in part on other grounds*, *Lacey v. Maricopa County*, 693 F.3d 896 (9th Cir.
2 2012). Therefore, the second amended complaint must be complete in itself, and all facts and
3 causes of action alleged in the first two complaints that are not alleged in the second amended
4 complaint are waived. *Forsyth*, 114 F.3d at 1474.

5 The Clerk will send plaintiff the appropriate form for a 42 U.S.C § 1983 complaint, a
6 copy of this Order, and a copy of the Court's prior screening order (Dkt. 6). Plaintiff's failure to
7 submit his second amended complaint or otherwise comply with this Order on or before **April 3,**
8 **2020** shall be deemed a failure to prosecute and may result in dismissal of this matter.

9 Dated this 10th day of March, 2020.

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13 J. Richard Creatura
14 United States Magistrate Judge
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